



**Minutes of the  
Millcreek Planning Commission  
December 15, 2021  
5:00 p.m.  
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, December 15, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

**PRESENT:**

**Commissioners**

Shawn LaMar, Chair  
Victoria Reid, Vice Chair  
David Allen (electronic)  
Scott Claerhout (electronic)  
Skye Sieber  
Tom Stephens (electronic, recused from 5:29-7:45pm)  
Ian Wright (electronic)  
Christian Larsen (electronic)  
Aryel Cianflone (electronic)

**City Staff**

Francis Lilly, Planning and Zoning Director  
Elyse Sullivan, City Recorder  
Jen Smith, Staff Engineer  
Robert May, Long Range Planner  
Kurt Hansen, Facilities Director  
Carlos Estudillo, Planner  
Brad Sanderson, Current Planning Manager

**Attendees:** Ryan Wallace (electronic), Christopher Bender (electronic), Logan Fawcett, Jane Dudley, Roger Dudley, Tyson Reynolds, Darren Nelson, Sarah Nelson, Ryan Simmons, Brandon Fry, and Tyler Morris.

**REGULAR MEETING – 5:00 p.m.  
TIME COMMENCED: 5:03 p.m.**

Chair LaMar called the meeting to order and read a statement explaining the duties of the Planning Commission.

**1. Public Hearings**

**1.1 Consideration of SD-21-010, Request for a 4-Lot Subdivision on a Cul-De-Sac  
Location: 3675 S. Craig Circle Applicant: RMTR Investments LLC Planner: Carlos  
Estudillo/Brad Sanderson**

Brad Sanderson showed the Commission an aerial map of the area, the existing subdivision plat, and the proposed subdivision plat. He said the Commission previously saw the property the prior year as an application for a 5-lot subdivision. The new proposed lot sizes exceeded the 8,000 square foot minimum size for the zoning. There would be a tree preservation and storm drain easement on the back of the lots and a separate existing easement on Craig Circle would be vacated. Staff made a favorable recommendation for approval of the subdivision.

Tyson Reynolds, applicant, confirmed that the existing easement would be vacated and agreed to a tree preservation plan. He felt the proposed subdivision was more neighborhood friendly.

*Chair LaMar opened the public hearing.*

Roger Dudley, 3711 S. 2700 E., said he lived adjacent to the property and was in favor of the subdivision. He noted his neighbors were in favor of it as well and were pleased it went from 5 to 4 lots.

Darren Nelson, 3703 S. 2700 E., expressed favor for the development. He appreciated an expedited process for approvals.

*Chair LaMar closed the public hearing.*

Chair LaMar said the Commission was in favor of a 4-lot subdivision when the application was initially reviewed. Lilly confirmed that prior discussion and said it made more sense for neighborhood compatibility.

**Commissioner Larsen moved to approve the subdivision application SD-21-010 as proposed subject to the following requirements in the staff report.**

**The conditions in the staff report were:**

- 1. The applicant shall obtain any necessary permits as required by the Utah State Water Rights Division and/or Army Corps of Engineers.*
- 2. The plans shall integrate all recommendations from other relevant government or other private agencies, as determined by City Staff, as well as requirements from all affected entities.*
- 3. The buildable area of all future lots shall be unencumbered from all public utilities and public utility easements.*

**Commissioner Wright seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.**

**1.2 Consideration of CU-21-016/PUD-21-001, Request for a Conditional Use Permit and Planned Unit Development for a 9-Plex Condominium in the RM Zone Location: 4820 S. 1300 E. Applicant: Brandon Fry Planner: Carlos Estudillo**

Francis Lilly introduced Carlos Estudillo to the Commission as the newest planner. Carlos Estudillo said the Planning Commission reviewed the application in October as a conditional use permit and it had not changed. The applicant was seeking preliminary plat approval for a planned unit development. The proposal included podium parking on the majority of the main level and consisted of 2 one-bedroom units and 7 two-bedroom units. The property is in the RM Zone. A traffic study was conducted which showed low levels of service and impact to 1300 E. There would be three parking stalls for the 1-bedroom units, fourteen parking stalls for the 2-bedroom units, three guest parking spaces, and one ADA parking stall on the property with twenty total parking spaces. He showed the Commission the proposed plat, elevations, and plans. He noted that residents had not submitted comments, but Salt Lake City Public Utilities recommended that the irrigation company be contacted. At their meeting on December 7, 2021 the Millcreek Community Council recommended approval of the project.

Estudillo said staff made the following findings:

1. The Applicant can meet all the requirements through a Conditional Use permit.
2. The Applicant can meet all requirements through the PUD application.
3. The Applicant can meet requirements through Technical Review.
4. The height of the project is comparable to the surrounding building heights.
5. The project will not be a major impact due to only being 9 units and the results from the Traffic Study have stated a low level of service and impact on 1300 East.
6. Signs and accessory buildings will require separate building permits and staff review for zoning/land use compliance.

He recommended approval of the project subject to staff conditions.

Chair LaMar confirmed that the PUD application was up for approval because the conditional use permit had already been approved. Estudillo confirmed.

Brandon Fry, applicant, said Salt Lake City Public Utilities and the irrigation company would review the plat for approval.

*Chair LaMar opened the public hearing.*

Elyse Sullivan read a comment received online from Nikole Bench, 1530 S. West Temple, "Salt Lake City Public Utilities recommends that the Irrigation Company is contacted and given approval."

*Chair LaMar closed the public hearing.*

**Commissioner Sieber moved to approve the PUD-21-001 to allow a 2-story 9-plex residential building located at 4820 S. 1300 E. subject to the conditions in the staff report as well as the condition that the irrigation company is contacted and given approval.**

**Commissioner Reid seconded.**

**The conditions in the staff report were:**

- 1. No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department. No light may trespass onto adjacent lots.*
- 2. Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments to the exterior design of the building, or alterations that increase the height or building footprint of structures, or any increase in density, must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.*
- 3. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
- 4. As part of the technical review, applicant is required to meet all standards for roadway development as determined by the Millcreek Public Works department.*
- 5. All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted and before certificate of occupancy is granted.*
- 6. The applicant will be required to install oil and water separators in the parking lot inlets below the living units.*
- 7. There must not be any inlets in or near the dog park and vice versa.*
- 8. The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal. Any safety measures required by the Fire Marshal including a fire*

*hydrant shall be installed. The applicant must include fire sprinklers and riser room in the front of the building, the Riser room will need a door that can be accessed directly from the exterior of the front of building & will need to be of sufficient size for maintenance and mobility.*

*9. The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities. Building permit may only be applied for once final approval letter for conditional use permit and PUD is given to applicant.*

*10. Applicant must obtain utility will serve letters during the technical review process.*

*11. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings.*

*12. An approved landscape plan that complies with the minimum standards found in Chapter 19.77 and shall be bonded for prior to final conditional use approval. A tree preservation, replacement, and removal plan will be completed and approved by City staff.*

*13. Applicant will be required to receive approval from Salt Lake County addressing department before final conditional use approval.*

*14. Applicant is required to bond for all proposed or required improvements of landscaping and public improvements as determined by the Public Works Department and Planning and Zoning Department.*

*15. That applicant shall schedule a pre-construction meeting with the public works department once bonding is complete.*

*16. The develop shall meet all requirements of Low Impact Development (LID) approach. This approach includes long-term stormwater BMPS that allow stormwater to infiltrate, evapotranspiration or harvest and reduces runoff from the site and protects water quality (MS4 permit 4.2.5.1.3). If a LID approach is infeasible, an alternative rationale must be provided and documented showing that infiltration, evapotranspiration, and harvesting methods were used to the maximum extent feasible. Reasons for infeasibility may include the following: high ground water, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others (MS4 permit 4.2.5.1.5).*

*17. All items of the staff report and 19.44, 19.78 requirements.*

Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

**1.3 Consideration of ZM-21-004/ZT-21-008, Request to Amend Title 19 and Adopt a City Center Development Agreement Overlay Zone Designation and to Adopt a Development Agreement for a Mixed Use Development of 215 Units, Including Millcreek City Hall, Multifamily Housing, Retail and Restaurant Space, and Shared Parking Location: 1311-1321 E. 3300 S., 3215 S. Richmond Street, and 1324 E. Chambers Avenue Applicants: Cottonwood Residential and Millcreek City Planner: Francis Lilly**

Francis Lilly said the application was for a City Center Overlay Development Agreement Zone (CCODAZ) designation, technical amendments to Title 19, and preliminary site plan approval to accommodate a mixed-use development consisting of 75,000 square feet (sf) of commercial space which would accommodate a city hall and a mixed-use building consisting of 215 residential units, retail and restaurant space, and shared parking subject to a development agreement. He said a conditional use permit application would come before the Commission in February 2022. He gave the Commission a project summary which included details on:

1. City Hall – 75,000 sf – 6 stories / ~87 feet in height
  - a. Ground floor public market and café / restaurant space – 6,400 sf
  - b. Unified Police Millcreek Precinct headquarters
  - c. 6<sup>th</sup> floor community room – 6,400 sf

- d. Municipal offices
  - e. Outdoor climbing wall on the northwest corner of building
  - f. PV system and geothermal wells
  - g. WELL Building certification
2. Mixed Use Building – 6 stories / 78 feet in height
    - a. 215 rental dwellings
    - b. Restaurant – 3,800 sf
    - c. Retail and coworking office space – 7,600 sf
    - d. Retail and restaurant space – 10,000 sf, including at least a 3,800 sf restaurant.
  3. Shared Parking Structure
    - a. 460 total parking stalls (additional on-street parking along project frontage on Millcreek Common)
    - b. 59 stalls reserved for police and city vehicles in a secured basement level
    - c. Remainder of parking to be shared between City Hall and the mixed-use building
    - d. Parking structure costs \$13.5 million – to be jointly funded and operated by City and Millcreek Common West.
    - e. Shared parking analysis conducted using the Urban Land Institute’s shared parking ratios for mixed use projects – accommodates City Hall, residential and restaurant use, and a portion of the parking demand anticipated by Millcreek Common.
    - f. Parking will be publicly accessible.
    - g. 46 electric vehicle charging stations.

The existing conditions of the property included old buildings that were currently being demolished. The General Plan contemplates goals and strategies for the city center. One of the goals is to diversify and expand Millcreek’s economic base to create a robust economy that offers a wide range of employment opportunities, goods and services by one strategy of prioritizing City Center development and redevelopment to establish it as the City’s hub of commerce, governing, innovation, entertainment, art and culture. Another goal is to continue to grow and support the city center as the mixed-use, cultural, and economic heart of the City by one strategy to continue to refine, adapt, and expand the Town/City Center Overlay Zone as the City Center develops and evolves which is what the CCODAZ accomplishes. Another strategy is to maintain City Codes to support reduced onsite parking, limited parking lot areas between the public right-of-way and buildings, design elements that enhance visual impressions from the street, multimodal access, and the safety and enjoyment of the onsite pedestrian experience. The Plan identified a Vibrant Gathering Places measurement of success by looking at the number of new gathering places created through either new development/redevelopment or improvement of existing informal gathering spaces, including the creation of a recognizable, functional City Center. By creating a commercial main street on the Millcreek Common, there will be spaces to provide that.

Lilly compared the City Center Master Plan’s concept for Millcreek Common and the surrounding development, and the concept as it has evolved to include a substantially widened Millcreek Common due to the location of the fault line and the assumption that, for the foreseeable future, at least some of the buildings in the City Center will be adaptively reused, rather than redeveloped. Development impacts are less than what was envisioned in the master plan. The city center currently contemplated seven projects consisting of approximately 1,400 residential units, 143,000 square feet of commercial space, and 2,200

parking stalls. The traffic impact will be less than what was expected as contemplated by the Greatest Impact Scenario in the Highland Drive Corridor Study. It is expected that vehicle traffic will have a free right-hand turn from Chambers Avenue onto 1300 E., a free left and free right from Chambers Avenue onto Highland Drive, southbound traffic onto Millcreek Common Lane then westbound on 3300 South, and improved bicycle experience along 3300 S. Lilly did not anticipate significant traffic impacts because there would be multiple ways in and out of the project.

Lilly reviewed the requested modifications from the standards for this project. The first was the streetscape. The zone calls for a five-foot bicycle line embedded into the asphalt, but the city was contemplating the idea of a shared use path on 3300 S. that would include a 6-foot tree buffer and 11-foot pathway. Salt Lake City was contemplating this type of shared path in certain areas on their streets. The second modification is to the required 20-foot setback on the second floor. He showed the Commission a rendering of the mixed-use building which included greater setbacks on 1300 E. (10-13 feet) than on 3300 S. (5 feet) and a minimal one on the proposed City Hall (10 feet on the south side) and the mixed-use building and city hall would have additional setbacks between the 5<sup>th</sup> and 6<sup>th</sup> stories. The reason for the setback modification is to accommodate the geometry of the parking structure. The west side of the building would lose occupiable space with the required setback. The developers would provide a better articulated façade and more plaza space in the Common to make up for it and the city hall would have an articulated façade that was unlike any other building in Millcreek.

The third modification would be on the building height. The max height in code is 75 feet but the plans call for an 88-foot City Hall and 78-foot feature on the mixed-use building. The fourth modification is on building length. The proposed building length is 330 feet, but the code max is 300 feet. The building length is offset by the façade articulation. He showed the Commission the design considerations and materials for the buildings. The fifth modification is to move the location of the commercial space to the main street in the Common rather than on 3300 S. or 1300 E. The code requires a 75% gross floor area within 250 feet of the 3300 S. 1300 E. intersection. The sixth modification is the city hall roofline. The code requires that rooflines should vary every 100 feet, but the rendering illustrated a consistent one. Lilly said the code contemplated multi-family housing for that requirement.

Lilly gave an overview of the recommended parking need which would be 472 spaces used at peak hour on a typical day, 495 spaces used at peak hour (weekend) for a 200-person event, and 501 spaces used a peak hour (weekend) for a 500-person event. The parking supply in comparison contemplated 460 spaces (401 publicly available) in the parking structure, 23 spaces on Millcreek Common, and 81 additional temporary surface parking spaces in a lot north of Chambers Avenue for a total of 505 spaces.

Christopher Bender, Fehr and Peers, said a parking study was performed to assess the parking demands of the proposed development and approximate an appropriate supply of stalls for the shared parking structure. They performed two separate analyses to estimate the parking demand of the development, one using Millcreek City Code parking rates and methods, and another using national parking resources published by the Urban Land Institute (ULI). The Millcreek shared parking codes specifies that guest parking in mixed-use developments should be provided at 100% during the 12-7am period. However, based on

discussions with Millcreek engineering and planning staff, they agreed to reduce that to 10% to reflect decreased rates of overnight guest parking at multifamily residential developments. He showed a table of the parking requirements of the city hall and mixed-use building. If shared parking were not permitted at this location, 646 total stalls would be required just for the city hall and mixed-use building. However, according to the minimum parking requirements in zoning code 19.73 and the shared parking reductions in zoning code 19.80, the development would only be required to provide 456 parking stalls to accommodate the 7am-6pm weekday parking period which is a reduction of 190 stalls compared to the non-shared requirement. The other table showed the parking requirement of the Millcreek Common space. According to the minimum parking requirements in the zoning code, the development would be required to provide 80 parking stalls to accommodate the 6pm-midnight parking periods on both weekdays and weekends. He noted that the city hall and mixed-use building would not share the same peak parking demand period as the Millcreek Common space, so if the two parcels were to share parking, the two land uses would be able to further reduce the parking space requirement.

Bender showed a table of the parking requirements for the city hall, mixed-use building, and Millcreek Common based on use and day/time. If shared parking were not permitted at this location, according to the minimum parking requirements in the zoning code, 726 total stalls would be required at this development. However, by applying the shared parking reductions in the zoning code, the development would only be required to provide 472 parking stalls to accommodate the 7am-6pm weekday parking period allowing the city hall and mixed-use building to share parking with the Millcreek Common space reducing the parking requirement by 254 spaces.

Chair LaMar asked if the 59 stalls for city hall/police was part of the equation. He asked if the gated 59 stalls could be considered shared if they were gated for government. Bender said the tables provided the parking stalls required for the uses, not what was proposed in the plan. Lilly noted that some employees would be using city vehicles and there were 401 publicly available spaces.

Bender said in addition to the typical parking demand of the proposed land uses, the Millcreek Common space is proposed to hold public events with attendances ranging from 200-500 people. Millcreek's zoning code did not provide a method to estimate the demand for these events, so while the previous analysis was helpful to understand the required amount of parking, they also wanted to understand the likely demand of the proposed land uses. For this analysis, they followed the methodology outlined in the ULI's Shared Parking manual. The methods outlined in this manual are considered national state-of-the-practice for determining shared parking and likely demand at mixed-use developments. This analysis accounts for the proposed land use demands; the shifting demands at different times of the day; the shifting demands at different times of the year; a percentage of traffic that would shift to walk, bike, and bus travel; the trips that are captured internally to the site; the differing parking rates between employees, visitors, and residents; and a percentage of stalls that are reserved for residential and office use that are not permitted to be shared with other uses. They assume 100% of residential parking could be set aside as well as a certain percentage of office space.

Bender said the following parking scenarios were analyzed: 1) city hall and mixed-use building; 2) Millcreek Common; 3) city hall, mixed-use building and Millcreek Common; 4) city hall, mixed-use building, Millcreek Common, and a 200-person special event; and 5) city hall, mixed-use building, Millcreek Common, and a 500-person special event. The special events were analyzed as a separate land use because it is unlikely that a large public event would be hosted in the middle of a weekday while the office land uses have their peak parking demand. He explained three of the scenarios. For the number 3 scenario, the weekday peak was 494 stalls and the weekend peak was 340 stalls. For the number 4 scenario, the weekday peak was 495 stalls and the weekend peak was 392 stalls. For the number 5 scenario, the weekday peak was 498 stalls and the weekend peak was 501 stalls.

Chair LaMar asked about the time frame for public events. Bender said weekend peaks were between 1-3pm and 6-9pm. Lilly noted that the city would be managing the parking structure and the events on Millcreek Common. Bender said 472 parking stalls were required at a minimum to be provided from the Millcreek code analysis for the city hall, mixed-use building, and Millcreek Common. Fehr and Peers recommended that 456 stalls be provided in the parking structure and 16 elsewhere for Millcreek Common. Based on the findings of the ULI shared parking analysis, Fehr & Peers recommended that a shared parking structure that meets the combined demand of the city hall and Millcreek Common developments would also meet the parking demands of a 200-person event that occurs at the Millcreek Common space outside of typical business hours. He said events for 500 people should not be accounted for because it would lead to expensive overparking because stalls would remain unused for the majority of the year. Fehr & Peers recommended that the 472 stalls (minimum) would be sufficient for most days and that event-based transportation demand management strategies should be implemented during major events to reduce and manage the excess parking demand and additional stalls beyond the 501 (maximum) that were calculated to be in demand during the 500-person events should be limited to avoid over supplying parking in the area.

Chair LaMar asked if the analysis suggested how the shared parking should be managed. Bender said Fehr & Peers could make recommendations such as time limits or paid parking. Lilly said there would be controls on the main street parking. Chair LaMar asked if there would be a parking attendant on site. Lilly said probably not, but the proposed development agreement contemplated a second agreement for the maintenance and operation of the parking structure. Millcreek was looking at creating a nonprofit entity to manage the center as a whole. He thought there may be a business improvement district in the future to manage parking. Commissioner Reid asked if it was possible for a resident to not have guaranteed parking if there was a large event. Lilly said it would be first come first serve.

Lilly reviewed the proposed ordinance changes. The first would be an allowance for 90 feet in mixed-use building height in code section 19.73a.050. He said the code contemplated only city hall being allowed to go to that height. That section would also add the following language:

*Required minimum setbacks may be modified only for developments that have at least 100 feet of frontage along Millcreek Common, subject to the following standards:*

- i. Building setbacks for facades along Millcreek Common may be eliminated, provided the façade has at least 100 feet of frontage along Millcreek Common.*



- ii. Building setbacks for facades along 3300 South may be reduced to 5 feet, provided that pedestrian amenities, including sidewalks and a side path as defined in the Millcreek Transportation Master Plan, are at least 17 feet in width as measured from the back of curb.*
- iii. Building setbacks for facades along 1300 East / Richmond Street may be reduced to 10 feet, provided the façade has at least 100 feet of frontage along 1300 East / Richmond Street.*
- iv. No other required building setback may be modified.*

The development agreement approval process for this application included a neighborhood meeting/open house in September 2021, a joint Planning Commission/City Council meeting in November 2021, and community council presentations in December 2021, and would include a Planning Commission public hearing, and then it would go on to the City Council for approval in January 2022.

At a meeting on December 1, 2021, the Canyon Rim Citizens Association discussed the proposed project. They broadly expressed support for the project, especially for the protected bicycle lanes proposed for the project. One community council member expressed that the City Hall was too tall. Their bylaws prevent them from making a formal recommendation in December. At a meeting on December 2, 2021, the East Mill Creek Community Council unanimously recommended approval of the proposed project and development agreement. At a meeting on December 6, 2021, the Mount Olympus Community Council discussed the proposed project. Council members posed questions about emergency preparedness, the provision of affordable housing in this project or elsewhere in City Center, and the maintenance requirements for the wood soffit proposed for the city hall roof structure. They unanimously recommended approval of the proposed project and development agreement. At a meeting on December 7, 2021, the Millcreek Community Council voted 9 to 1 in favor of the proposed project and development agreement. Members of the council expressed a desire for local restaurants along Millcreek Common, operations and maintenance requirements for the shared parking structure, a request that the City consider a traffic mitigation plan and a communications plan during construction, a desire for public art, a concern about combining police and municipal functions, a recommendation that the city consider paid parking as a management tool, and that the city consider a parking management plan for events in excess of 500 people.

Lilly said development agreement considerations would address:

1. The design of the project will be substantially similar to the proposal presented to the Community Councils and Planning Commission, subject to additional recommendations by the Community Councils or Planning Commission.
2. The developer and the city complete a cost-sharing agreement for the construction, operation, and maintenance of the shared parking structure.
3. The developer incorporate a restaurant of at least 3,700 sf along Millcreek Common.
4. The developer consider public art installations for the blank wall along the paseo and the plaza spaces on Chambers Avenue and 1300 East.
5. The developer install all required improvements along the project frontage, including but not limited to the shared bicycle/pedestrian path and the plaza fronting the Millcreek Common.

6. The developer implement the recommendations provided by EPG LLC, the Millcreek Common Designer.

He said EPG LLC recommended that the canopy on the mixed-use building be extended and match the city hall one, some of the balconies on the mixed-use building should stick out for more articulation, and that the designs in the Millcreek Common be similar to the proposed buildings for continuity.

Lilly reviewed the staff recommended findings of approval:

1. The project is designed to enhance the placemaking and community building functions of the Millcreek Common and advances the goals of the general Plan and the City Center Master Plan. The proposed project does not conflict with any applicable policy and guidance of the general plan or the City Center Master Plan.
2. The utilization of shared parking, the use of consistent materials, the expansion of plaza space, the addition of a side path, and the program to develop a commercial frontage flanking the entire western edge of Millcreek Common is a design that on the whole serves as a better development than would be possible under the strict application of the City Center Overlay Zone.
3. The project was reviewed by staff and the preliminary site plan generally meets the use and other requirements of the CCOZ-DA and the underlying zones, except as otherwise allowed by the CCOZ-DA and the development agreement.
4. The inclusion of the Unified Police Precinct, the shared parking, the side path, the additional plaza space, and the commercial frontage along Millcreek Common enhances the public welfare, enhances urban design and walkability, and supports public investment in the Millcreek City Center.
5. City Hall will be designed to meet or exceed energy consumption standards through the inclusion of a rooftop photovoltaic solar system and a geothermal system for heating and cooling. In addition, all aboveground utilities will be relocated underground. The project does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.

Chair LaMar asked if the 90 feet height was absolute. Lilly confirmed. He noted that the CCODAZ allowed for preliminary site plan approval. Chair LaMar asked for clarification on the elements of the 17-foot buffer streetscape graphic on 3300 S. Lilly noted the tree box would not be a parkstrip and the shared use path would be for pedestrians and bicycles, not separated spaces for the two uses. The path should continue to the west in future 3300 S. area plans. Commissioner Sieber asked if the changes had to be made in CCODAZ or just exceptions in the development agreement. Lilly said the CCODAZ ordinance would need to be changed because it did not allow for stepback accommodations. Commissioner Sieber asked about affordable housing. Lilly said the mixed-use building would be a market rate project. Commissioner Reid inferred that current code required 100% of units to have balconies of 6 feet in depth but 71% of the proposed balconies would have 5-foot depths. Commissioner Reid asked about the solar panel standard in code. Lilly said there was an option to build according to ASHRAE energy standards instead of providing solar panels and that is what the developer was proposing. Commissioner Reid asked why along Chambers Avenue only 9% of the building would meet the window requirement. Lilly said he would look at it, but the applicant was not seeking an exception to that. Tyler Morris, Cottonwood Residential, said the first-floor commercial space would be primarily glass. Lilly said it might be a typo. He said that code required that 60% of the units needed to provide balconies

with a 6-foot depth. Morris said he would check the plans and they would need an exception if that was the case. He said the unit size dictated the balcony size. Commissioner Reid asked about the balcony articulation recommendation. Morris said they would work on the façade.

Commissioner Claerhout expressed appreciation for the photo voltaic, charging stations, and 11-foot pathway. Chair LaMar asked about the roofing to avoid falling snow sheets. Morris said the roofs were flat and pitched in with a drain. Lilly noted that the balconies needed an exception and he missed it in his presentation. Morris said there would be a fulltime onsite property manager. He said the supply and demand of parking would work together well but the developers may combine studio apartments into 2-bedroom units to further reduce needed parking and a valet service would be used for big events through a third party.

Commissioner Reid asked about a public art component being developed enough and having a public art plan for Millcreek Common. Lilly said the Millcreek Arts Council did want to be involved in stewarding the public art in Millcreek Common. Commissioner Reid said the scale of the building was huge and compared it to the size of a football field. She noted that all of the modification exceptions would increase the bulk of the building.

*Chair LaMar opened the public hearing.*

Ryan Simmons, 101 S. 200 E. in Salt Lake City, asked about the proposed code change that no other required building setback may be modified. He recommended flexibility in the code.

Elyse Sullivan read a comment received online from Nikole Bench, 1530 S. West Temple, “*Salt Lake City Public Utilities recommends getting in contact with the Lower Mill Creek Irrigation Company for approval.*”

*Chair LaMar closed the public hearing.*

Chair LaMar said the parking could be tightened with the conditional use permit approval. Lilly said the development agreement did not contemplate the parking ratio, but a framework for the parking ratio. The final ratio would be determined with the conditional use permit. Chair LaMar requested parking management be explained when the application came back to the Commission. He expressed concern for first come first serve parking. Lilly said it was important that residential parking have reservable spaces. Commissioner Sieber asked about the number of residential units. Lilly said no more than 215. Commissioner Wright felt the Commission was always granting allowances for density and size. He cautioned the height of buildings. Commissioner Reid liked the idea of reducing the number of residential units to allow for more articulation. Commissioner Allen noted the building would be big but that had been the intent for a while. Chair LaMar did not have a good rationale for agreeing to 85 feet and not 90 feet in height. He appreciated the additional 23 surface parking stalls and temporary parking lot. Commissioner Wright wondered what could be accomplished by staying within code requirements. Commissioner Larsen was worried about changing code to meet a proposed project, but if there is one project to do that to, he felt this was it. He felt the exceptions made sense.

**Commissioner Larsen moved to recommend approval of ZM-21-004/ZT-21-008, request to amend Title 19 and adopt a City Center Development Agreement Overlay Zone designation and to adopt a development agreement for a mixed-use development including Millcreek City Hall, multifamily housing, retail and restaurant space, and shared parking and preliminary site plan approval with all staff recommendations included in the staff report. Commissioner Allen seconded.**

Commissioner Reid asked about adding public art to Millcreek Common. Lilly said it would come up with the conditional use permit.

**Commissioner Larsen amended the motion to include a recommendation that the developer work with Millcreek to develop and include public art. Commissioner Allen seconded the amendment. Chair LaMar called for the vote. Commissioners Larsen, Allen, Reid, Sieber, Claerhout, Cianflone, and LaMar voted yes. Commissioner Wright voted no. The motion passed.**

The Commission took a break from 7:30-7:45 p.m.

**1.4 Consideration of CU-21-019, Request for a Conditional Use Permit for a Mixed Use Development Consisting of 198 Units and 5,600 Square Feet of Commercial Use**

**Location: 1350 E. Miller Avenue Applicant: The Boyer Company Planner: Robert May**

Robert May said the project would be presented at a conceptual level and continued to another meeting. Logan Fawcett, Boyer Company, said the developers felt the responsibility to make the project an anchor to the north end of Millcreek Common. The project would not need a development agreement as they intended to meet code. He said the site consisted of nearly two acres with a building area of roughly 68,000 square feet which would cover 80% of the site. The parking would be located within the first two floors with the principal entrance and exit on Miller Avenue. The woonerf to the east of the building would incorporate the existing sycamore trees. He showed the site plan and building elevations. The mixed-use building would have a maximum height of 70 feet as measured from existing grade plane to the roof of the building. Due to the grade change, heights would range from 59-70 feet. The south facing frontage would have 100% commercial consisting of small retail/restaurant spaces. The north facing frontage along Miller Avenue would have over 50% non-residential uses. Commissioner Cianflone asked if the rendering illustrating a pond and bridge was accurate with the plans. May said it was enhanced. He said they were developing with the city's intent of vacating Woodland Avenue.

Commissioner Reid encouraged more articulation on the front retail; she appreciated the u-shape. May noted it was advantageous to put the commercial space on the Common. Fawcett said there would be public restrooms on the west side, commercial pods popping out from the building, and patio space. Chair LaMar asked about the residential amenities. Fawcett said a BBQ area, swimming pool, and gym were the conceptual ideas. Commissioner Stephens asked if the development would be rental. Fawcett confirmed. Commissioner Larsen asked if the retail pads would be for small Millcreek businesses. Fawcett could not make any promises but liked the idea. Commissioner Larsen encouraged keeping smalls pads in mind. Commissioner Cianflone recommended openness in the u shape. She asked about a plan for the commercial businesses. Fawcett said they would be commercial rented spaces, preferably restaurants.

May said the application would come back in February to allow for time for a parking study. He said most of the projects in the city center requesting a further parking reduction have conducted parking studies in addition to the shared parking reduction.

Commissioner Sieber asked about considerations for arched windows and about the cabanas on the rendering. Fawcett said the cabana was an architectural flourish, the details would be worked out, but they would consider the arched windows. Chair LaMar asked about the wood over concrete construction. Fawcett said it would be five stories of wood over two stories of concrete, podium construction. Chair LaMar expressed disfavor for exposed concrete.

Ryan Simmons, Boyer Company, asked about the Commission's thoughts on the use of brick. The commissioners expressed favor for the brick.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

**Chair LaMar moved to continue CU-21-019 to a future date as determined by the applicant and staff. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.**

## **2. Commission Business**

### **2.1 Approval of November 8, 2021 Special Meeting Minutes**

**Commissioner Reid moved to approve the November 8<sup>th</sup> special meeting minutes. Commissioner Larsen seconded. Chair LaMar called for the vote. Commissioners Reid, Larsen, Sieber, Claerhout, Allen, Wright, Cianflone, and LaMar voted yes. Commissioner Stephens abstained. The motion passed.**

### **2.2 Approval of November 17, 2021 Regular Meeting Minutes**

**Commissioner Larsen moved to approve the minutes for November 17<sup>th</sup>. Commissioner Sieber seconded. Chair LaMar called for the vote. Commissioners Reid, Larsen, Sieber, Claerhout, Allen, Wright, Cianflone, and LaMar voted yes. Commissioner Stephens abstained. The motion passed.**

### **2.3 Updates from the Planning and Zoning Director**

Francis Lilly said in January the Commission would consider appointing a new chair. He reminded the commissioners about the Utah Land Use Institute training on January 4, 2022 and noted that it would meet the requirement for the 4 hours of annual training.

He wished the commissioners happy holidays and thanked them for their service to the community.

## **4. Calendar of Upcoming Meetings**

- City Council Mtg., 12/20/21, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 1/3/22, 6:00 p.m.
- Millcreek Community Council Mtg., 1/4/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 1/5/22, 7:00 p.m.
- East Mill Creek Community Council Mtg., 1/6/22, 6:30 p.m.
- City Council Mtg., 1/10/22, 7:00 p.m.
- Planning Commission Mtg., 1/19/22, 5:00 p.m.

**ADJOURNED:** Commissioner Claerhout moved to adjourn the meeting at 8:19 p.m. Chair LaMar seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

**APPROVED:** \_\_\_\_\_ **Date**  
Shawn LaMar, Chair

**Attest:** \_\_\_\_\_  
Elyse Sullivan, City Recorder

